

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2007 NOV 21 A 9:16

LEONA VICTORS (EMENYONU), et al.

Plaintiffs,

v.

WENDY A. KRONMILLER, et al.

Defendants

Civil No.: JFM-07-02282

DEFENDANTS' ANSWER TO COMPLAINT AND MOTION TO DISMISS

James F. Crosson (Defendant) moves to dismiss the complaint filed by Leona Victors (Emenyonu) and Home Care, Inc., d/b/a/ Leona's Heart Assisted Living ("Leona's Heart"). The complaint asserts claims against James F. Crosson, upon which this court does not have jurisdiction.

1. The Defendant, James F. Crosson, is a United States citizen and Maryland resident.
2. The Plaintiff, Leona Victors (Emenyonu) is a United States citizen and Maryland resident.
3. The Plaintiff, Home Care, Inc. is a Maryland Corporation, which conducts all of its business in the State of Maryland.
4. All transactions between Plaintiffs and Defendant James F. Crosson were conducted in the State of Maryland.
5. Defendant James F. Crosson, sold all of the stock of Home Care Inc., which owned an assisted living business, and 100% interest in an LLC, which owned the real estate on which the business operated, to Plaintiff, Leona Victors (Emenyonu), in June, 2006.
6. The complaints against Defendant James F. Crosson, Count Five (Breach of Contract), Count Six (Breach of Implied Covenant of Good Faith and Fair

Dealing) and Count Seven (Tortious Intentional Interference with Prospective Advantage) are all civil claims between independent parties who all reside and conduct business in the same state (Maryland), over which THE UNITED STATES DISTRICT COURT does not have jurisdiction,

7. Defendant James F. Crosson is not a state actor over whom this Court has jurisdiction under 28 USC sections 1981 and 1982.

8. The sale of stock and the sale of an LLC interest are not supplemental to the civil rights claims brought against the State of Maryland and thus this Court lacks jurisdiction over these claims on the basis of 28 USC 1367 as well.

9. Plaintiff's attorney, by agreeing to file on behalf of Plaintiff's, should be more familiar with United States District Court Rules and should be at a minimum, reprimanded for such an egregious error in filing this claim against a defendant over which it is obvious that this Court does not have jurisdiction.

10. Defendant James F. Crosson has attempted to find counsel to represent him but has been unable to find affordable counsel, but is continuing that search.

For all these reasons, Defendant, James F. Crosson, requests that the Court:

1. dismiss the plaintiff's complaint against him;
2. award sanctions against the plaintiff; and
3. for such other relief as is appropriate.

Respectfully Submitted,

JAMES F. CROSSON, DEFENDANT

/s/
James F. Crosson, Defendant
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 2007, copies of Defendants' Motion to Dismiss was filed with the Clerk of the Court and served via first class mail postage prepaid to the following:

LEONN VICTORS (EMENYONU)
25548 Hill Road
Greensboro, MD 21639

HOME CARE, INC. d/b/a/
LEONNA'S HEART ASSISTED LIVING
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/s/
James F. Crosson, Defendant

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U.S. DISTRICT COURT
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November 21, 2007

United States District Court
For The District Of Maryland
101 West Lombard Street
Baltimore, MD 21201

Case No. JFM 07 CV 2282

Dear Clerk,

Enclosed are my answers to the above referenced complaint. I am filing on my own behalf because I was only given 20 days to respond to this complaint and have yet been able to find legal representation which I can afford.

I would also like to bring it to this courts attention that based on papers that I have received from the "State Defendants", I believe that the Plaintiff has filed papers in this case for which I have not received copies.

Thank you for your time and attention.

Sincerely yours,



James F. Crosson

cc: attached list